



U.S. Application Serial No. 10/040,830
Attorney Docket No.: 33677-00700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary E. BORODIC *et al.*)
Application Serial No.: 10/040,830) Group Art Unit: 1645
Filed: January 8, 2002) Examiner: Vanessa L. Ford
Title: *The Use of Botulinum Toxin For The*)
Treatment of Chronic Facial Pain)

SUBMISSION OF
POWER OF ATTORNEY AND STATEMENT OF ASSIGNEE

Sir:

Applicant respectfully submits the following:

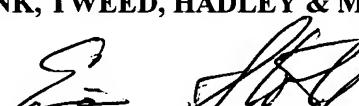
1. Power of Attorney and Correspondence Address Indication Form; and
2. Statement Under 37 CF\$ 3.73(b) with signed Assignment

in the above referenced application.

Respectfully submitted,

MILBANK, TWEED, HADLEY & MCCLOY LLP

Dated: April 22, 2005


Einar Stole
Reg. No. 47,272

Customer No. 000038647
Milbank, Tweed, Hadley & McCloy LLP
International Square Building
1825 Eye Street, N.W., Suite 1100
Washington, D.C. 20006
Telephone: (202) 835-7500
Facsimile: (202) 835-7586



**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/040,830
Filing Date	January 8, 2002
First Named Inventor	Borodic
Title	Use of Butolinum Toxin for the.....
Art Unit	1645
Examiner Name	Vanessa L. Ford
Attorney Docket Number	33677.00700US

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

Practitioners associated with the Customer Number:

38647

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	3/16/05
Name	Donald J. Montefusco	Telephone	401-942-0900
Title and Company	President, Botulinum Toxin Research Associates, Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PTO/SB/96 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Gary E. Borody et al.Application No./Patent No.: 10/040,830 Filed/Issue Date: January 8, 2002Entitled: The Use of Botulinum Toxin for the Treatment of Chronic Facial PainBotulinum Toxin Research Associates, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

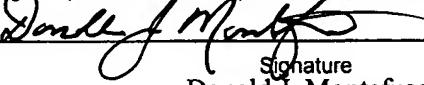
B A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature
Donald J. Montefusco3/16/05

Date

401-942-0900

Telephone Number

Printed or Typed Name

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT
Docket No. 33677-00000

ASSIGNMENT OF APPLICATION FOR PATENT

WHEREAS:

**BORODIC Gary E., 90 Kensington Road, Canton, MA United States &
ACQUADRO, Martin A., 93 Emerson Road, Wellesley, MA United States**

(hereinafter referred to as **ASSIGNOR(S)**), has made a discovery or invention entitled:

THE USE OF BOTULINUM TOXIN FOR THE TREATMENT OF CHRONIC FACIAL PAIN

for which application for Letters Patent of the United States has been executed on even date herewith,
 for which application for Letters Patent of the United States has been filed on January 8, 2002, under
Serial No. 10/040,830, and

WHEREAS:

**BOTULINUM TOXIN RESEARCH ASSOCIATES, INC (BTRA) 1261 Furane Brook Parkway, Quincy, MA
United States**

(hereinafter referred to as **ASSIGNEE**), is desirous of acquiring the entire interest in, to and under said invention and
in, to and under Letters Patent or similar legal protection to be obtained therefore in the United States and in any and
all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of good and valuable consideration, the receipt of which is hereby acknowledged,
ASSIGNOR(S) hereby sells, assigns and transfers to **ASSIGNEE**, its successors, legal representatives and assigns,
the full and exclusive right, title and interest to said discovery or invention in the United States and its territorial
possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and
its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or
any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country
for the full term or terms for which the same may be granted.

I, SAID **ASSIGNOR(S)**, hereby authorize and request the Commissioner of Patents and Trademarks of the United
States of America and any Official of any country or countries foreign to the United States of America whose duty it
is to issue Letters Patent on applications as aforesaid, to issue all such Letters Patent for said discovery or invention
to the **ASSIGNEE**, as assignee of the entire right, title and interest in, to and under the same, for the sole use and
behalf of the **ASSIGNEE**, its successors, legal representatives and assigns, in accordance with the terms of this
instrument.

I, SAID **ASSIGNOR(S)**, hereby covenant that I have full right to convey the entire right, title and interest herein
sold, assigned, transferred and set over;

AND I, SAID **ASSIGNOR(S)** hereby further covenant and agree that the **ASSIGNEE**, its successors, legal
representatives, or assigns, may apply for foreign Letters Patent on said discovery or invention and claim the
benefits of the International Convention, and that I will, at any time, when called upon to do so by the **ASSIGNEE**,
its successors, legal representatives, or assigns, communicate to the **ASSIGNEE**, its successors, legal
representatives, or assigns, as the case may be, any facts known to me respecting said discovery or invention, and
execute and deliver and all lawful papers that may be necessary or desirable to perfect the title to the said discovery
or invention, the said applications and the said Letters Patent in the **ASSIGNEE**, its successors, legal representatives
and assigns, and that it reissues of the said Letters Patent or disclaimers relating thereto, or divisions, continuations,
or refilings of the said applications, or any thereof, shall hereafter be desired by the **ASSIGNEE**, its successors, legal
representatives, or assigns, sign all lawful papers, make all rightful oaths, execute and deliver all such disclaimers
and all divisional, continuation and reissue applications so desired, and do all lawful acts requisite for the application

for such reissues and the procuring thereof and for the filing of such disclaimers and such applications, and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention or discover in all countries, and without further compensation but at the expense of the ASSIGNEE, its successors, legal representatives and assigns.

Assignor's signature: Gary E. Borodic
BORODIC Gary E.

Citizenship: United States of America

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 3 day of April,
2001.

Assignor's signature: Martin A. Acquadro
ACQUADRO, Martin A.

Citizenship: United States of America

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 3 day of April,
2001.



1645

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/040,830
Filing Date	January 8, 2002
First Named Inventor	Borodic
Art Unit	1645
Examiner Name	Vanessa L. Ford
Attorney Docket Number	33677.00700US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Extension of Time Request		
<input type="checkbox"/> Express Abandonment Request		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	
	<ol style="list-style-type: none"> 1. Submission of Power of Attorney and Statement of Assignee 2. Power of Attorney and Correspondence Address Indication Form 3. Statement Under 37 CFR 3.73(b) with Signed Assignment 	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Milbank, Tweed, Hadley & McCloy LLP		
Signature			
Printed name	Einar Stole		
Date	04/22/05	Reg. No.	47,272

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		
Typed or printed name		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.